

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

BOARD OF TRUSTEES, SHEET METAL)
WORKERS' NATIONAL PENSION)
FUND, *et al.*,)

Plaintiffs,)

v.)

NW SIGN INDUSTRIES, INC.,)

Defendant.)
_____)

Civil Action No. 1:14-cv-843 (AJT/TCB)

ORDER

This matter is before the Court on the Report and Recommendation (Doc. No. 14) of the Magistrate Judge recommending that default judgment be entered against defendant NW Sign Industries, Inc., a/k/a NW Sign Ind., a/k/a NW Industries, in favor of plaintiffs Board of Trustees, Sheet Metal Workers' National Pension Fund ("NPF"), the Board of Trustees of the International Training Institute for the Sheet Metal and Air Conditioning Industry ("ITI"), the Sheet Metal Workers' International Association Scholarship Fund ("Scholarship Fund"), and the Stabilization Agreement for the Sheet Metal Industry ("SASMI") (collectively, "plaintiffs" or "Funds") in the amount of \$8,734.50, the sum of unpaid contributions. The Magistrate Judge also recommended that default judgment be entered against defendant in the amounts of \$246.17 in accrued interest through August 22, 2014, \$1,746.94 in liquidated damages, \$8,411.80 in late fees, and \$3,355.37 in attorneys' fees and costs.

The Court conducted a *de novo* review of the evidence in this case and adopts and incorporates the findings and recommendations of the Magistrate Judge. Accordingly, it is hereby

ORDERED that Plaintiffs' Motion for Default Judgment (Doc. No. 7) be, and the same hereby is, GRANTED; it is further

ORDERED that default judgment be, and the same hereby is, entered against defendant NW Sign Industries, Inc., a/k/a NW Sign Ind., a/k/a NW Industries in favor of plaintiffs the Board of Trustees, Sheet Metal Workers' National Pension Fund ("NPF") in the amounts of \$7,913.30 in unpaid contributions; \$1,582.67 in liquidated damages; late fees in the amount of \$7,545.62; and \$214.45 in accrued interest through August 22, 2014, plus interest accruing from August 23, 2014 until the date of payment accruing at the rate of 0.0233%, compounded daily, for a total award to plaintiff NPF in the amount of \$17,256.04, plus interest; and it is further

ORDERED that default judgment be, and the same hereby is, entered against defendant in favor of plaintiff the Board of Trustees of the International Training Institute for the Sheet Metal and Air Conditioning Industry ("ITI") in the amounts of \$24.97 in unpaid contributions; \$4.99 in liquidated damages; late fees in the amount of \$23.90; and \$1.39 in accrued interest through August 22, 2014, plus interest accruing from August 23, 2014 until the date of payment accruing at the rate of 0.0233%, compounded daily, for a total award to plaintiff ITI in the amount of \$55.25, plus interest;¹ and it is further

ORDERED that default judgment be, and the same hereby is, entered against defendant in favor of plaintiff the Sheet Metal Workers' International Association Scholarship Fund ("Scholarship Fund") in the amounts of \$12.46 in unpaid contributions; \$2.50 in liquidated damages;² late fees in the amount of \$11.97; and \$0.33 in accrued interest through August 22,

¹ The Court notes that the chart on page 7 of the Report and Recommendation lists the total amount owed to ITI as \$5.25, rather than \$55.25. The Court has conducted a *de novo* review of the evidence and finds, consistent with the component figures listed in the Report and Recommendation, that \$55.25 is the correct figure for the total amount owed to ITI.

² The Court notes that the calculation of the liquidated damages amount in the Shaw Declaration appears to be off by three cents [Doc. No. 9 ¶ 12]. The amount of liquidated damages owed to the Scholarship Fund should be \$2.50 [\$12.46 in unpaid contributions to the Scholarship Fund * 20% rate = \$2.50]. The Court has conducted a *de novo*

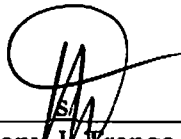
2014, plus interest accruing from August 23, 2014 until the date of payment accruing at the rate of 0.0233%, compounded daily, for a total award to plaintiff the Scholarship Fund in the amount of \$27.26, plus interest; and it is further

ORDERED that default judgment be, and the same hereby is, entered against defendant in favor of plaintiff the Stabilization Agreement for the Sheet Metal Industry ("SASMI") in the amounts of \$783.77 in unpaid contributions; \$156.75 in liquidated damages; late fees in the amount of \$830.31; and \$30.00 in accrued interest through August 22, 2014, plus interest accruing from August 23, 2014 until the date of payment accruing at the rate of 0.0233%, compounded daily, for a total award to plaintiff SASMI in the amount of \$1,800.83, plus interest; and it is further

ORDERED that judgment be, and the same hereby is, entered against defendant NW Sign Industries, Inc., a/k/a NW Sign Ind., a/k/a NW Industries in favor of plaintiffs NPF, ITI, Scholarship Fund, and SASMI in the amount of \$3,355.37 in attorneys' fees and costs.

The Clerk is directed to enter judgment in accordance with this Order pursuant to Fed. R. Civ. P. 58 and to forward copies of this Order to all counsel of record and to:

NW Sign Industries, Inc.
d/b/a NW Sign Industries
d/b/a NW Sign Ind.
d/b/a NW Industries
360 Crider Avenue
Moorestown, NJ 08057



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
October 30, 2014

review of the evidence and finds that the Scholarship Fund is owed \$2.50 in liquidated damages. Accordingly, the total amount owed to the Scholarship Fund, adjusted by three cents, is \$27.26.